IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.94 OF 2007
WITH
CIVIL APPLICATION NO.138 OF 2007

David Gabriel Menezes & Ors. ..Appellant.

V/s.

Mrs.Pratima G. Shetty & Ors. ..Respondents.

Mr.Rajesh Singh for appellants.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 8, 2007.

P.C. :

1. Heard counsel for the appellants. This appeal from order is against the order of refusing ad-interim relief in favour of the plaintiffs/appellants. I find no reason to depart from the prima facie opinion expressed by the trial Court for refusing that relief. The grievance that taking advantage of the order passed by the City Civil Court in Suit No. 4417 of 1999, the respondents/defendants were attempting to interfere with the possession of the plaintiffs in respect of CTS No.188 and would dispossess them from their property. This issue could be addressed only if CTS No.188 was demarcated by the concerned Revenue Authority. The appellants, if so advised, may apply

to the appropriate authority for demarcation of plot in CTS No.188. After such demarcation is done, appellants would be entitled to seek protection in respect of said plot. At this ad-interim stage, it is not possible to issue injunction against defendents/respondents not to dispossess the plaintiffs without knowing the actual designation of the plot owned and possessed by them being CTS No.188.

2. Accordingly, this appeal as well as civil application are disposed of leaving all questions open, with further observations that if the appellants apply to the Revenue Authority for demarcation of plot having CTS No.188, such application will be disposed of expeditiously in accordance with the law.